

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 30TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR. JUSTICE H.L. DATTU

WRIT PETITION NO. 31645/1994.

BETWEEN:

Sri Shivananda Fakkeerappa
Kesari, S/o. Fakkeerappa,
aged about 30 years,
Working as Lecturer in
Geography in Sri S.V.S. Pre-
University College, Jade,
Shorab Taluk, Shimoga Dist. : PETITIONER

(M/s. Vagdevi Associates for Petitioner)

AND:

1. The State of Karnataka,
represented by its Secretary,
Education Department,
M.S. Buildings, Bangalore-1.

2. The Deputy Director of
Public Instructions,
Shimoga District, Shimoga.

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3. The Commissioner for Public
Instructions in Karnataka,
K. R. Circle, Bangalore-1.

4. The Principal,
Sri S. V. S. Pre-University College,
Jade, Shorab Taluk, Shimoga Dist.

5. The Director,
Pre-University Education Board,
Bangalore.

: RESPONDENTS

(Sri. S. Udayashankar, AGA for R-1 to 3 & 5)

This Writ petition filed under Articles 226 & 227 of the Constitution of India with an affidavit praying to quash the order dt. 29.4.94 and 15.2.94 issued by the R² vide Annexure 'F' and 'D' in so far as it relates to restricting the pay/salary of the petitioner at minimum of the payscale of Rs. 1900/- - Rs. 3650/- is concerned and etc.,

This Writ Petition coming on for hearing this day, the Court made the following:

O M R D E R

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O R D E R

Petitioner in this Writ Petition is staff working in aided private educational institutions. He ~~is~~ is before this Court interalia seeking directions to the respondents to accord certain service benefits including monetary benefits.

In my view, these reliefs cannot be granted by this Court in view of the observations made by a Division Bench of this Court in W.A.Nos. 1833 to 1836/1995 disposed off on 30.5.1998.

This Court while considering the issue whether the staff (Teaching and non-teaching) working in educational institutions run by private management can maintain Writ Petitions to claim financial aid from the State Government in the absence of Master and Servant relation and other incidental issues, was pleased to observe that the writ petitions filed by teaching and non-teaching staff of private educational institutions are not

are not maintainable before this Court.

Respectfully following the observations made in the aforesaid decision, this petition is disposed off as not maintainable before this Court for the reliefs sought therein. However, liberty is reserved to the petitioner to approach the proper forum as suggested by this Court in the aforesaid decision. Ordered accordingly.

Sd/-JUDGE.

T.by: JL

r.by: *V. B.*

c.by: *18/10/88*

COPY

Assistant Registrar
High Court of Karnataka
Bangalore-560 001. *18/10/88*

